REMARKS

Applicant respectfully requests reconsideration and allowance of subject application. Claims 1-11 and 13-24 are pending. Claims 1 and 13 are independent claims. Reconsideration and allowance of the present Application are respectfully requested.

Claim Rejection Under 35 U.S.C. § 101

Claims 1-11 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant traverses this rejection.

Applicant has amended claim 1 to include subject matter directed to "a server device." Applicant respectfully submits that the amended subject matter of the claim complies with the requirements set forth under 35 U.S.C. § 101. Accordingly, Applicant requests reconsideration and withdrawal of the claim rejection.

Embodiment Summary

An implementation described in the present Application teaches receiving a request at a universal listener (UL) service 402 and comparing the request with content of a configuration file 404. (*See page 14, lines 3-5; and Fig. 4 of the present Application.*) Hierarchical formatted information of the request are examined and compared with the contents of the configuration file 404 to determine an appropriate user-mode process that should service the request. (*See page 14, lines 8-11.*) The implementation states the extension-identifying portion of the request (URL) is not used in making the determination as to which user-mode process should service the request. (*See page 14, lines 5-8.*)

The hierarchical formatted information of a request will generally be in the form of http://foo.com/fooapp4/..../.... This is only one example of the form the hierarchical information may take. When the request, such as the URL shown, is received, the UL service 402 will compare it with the contents of the configuration file 404. (*See page 16, lines 8-10; and Figs. 4-5 of the present Application.*) Here, a first portion of hierarchical information is "foo.com." This first portion of the request is found in a Config Group A, which is illustrated in Fig. 5. Next, "fooapp4" is compared with the contents of the configuration file 404. This subsequent portion "fooapp4" is not referenced in one of the Config Groups, so a user-mode process is selected from an application pool that corresponds to Config Group A. (*See page 8-14; and Fig. 5.*)

The claims of the present Application set forth subject matter directed towards, *inter alia*, the use of a hierarchical identifier to identify an appropriate user-mode process.

Claim Rejection Under 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. 102(e) as being unpatentable in view of Bayeh, U.S. Patent No. 6,223,202. This rejection is respectfully traversed.

The Office states "Bayeh teaches the invention substantially as claimed." (Emphasis added). The test for anticipation requires that a reference teach, exactly, the claimed invention. A reference that "substantially" teaches the claims is not an anticipatory reference.

Independent claim 1 includes the subject matter "comparing the hierarchical identifier with at least a portion of a configuration file to identify an appropriate user-mode process of a server device for handling the request."

(Emphasis added.) The Bayeh patent does not mention user-mode processes, let alone the concept of using a hierarchical identifier to identify a user-mode process. Therefore, the Bayeh patent does not anticipate claim 1 of the present Application.

In accordance with the foregoing, the Applicant respectfully requests reconsideration and withdrawal of the claim rejection under 35 U.S.C. 102(e).

Claim Rejection Under 35 U.S.C. § 103

Claims 2-11 and 13-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh, in view of Benitez et al (U.S. PG Pub 20020161908A1) (hereafter "Benitez").

Claim 13 recites:

> A computer-readable medium having computer-executable instructions for performing steps comprising:
>
> causing a kernel-mode process in a server device to compare a hierarchical identifier associated with a client device generated request with at least a portion of a configuration file to identify a most applicable user-mode process for handling the client device generated request within the server device; and
>
> causing the kernel-mode process to provide the client device generated request to the identified most applicable user-mode process.

Turing now to the teachings relied upon the Office to reject the claims. Bayeh discloses technology for virtual machine pooling. There is nothing in the patent that suggests identifying user-mode processes in consideration of

hierarchical identifier, nor is there discussion in the patent that relates to kernel-mode processes.

The Office recognizes the deficiencies of the Bayeh. (See page 4 of the current Office Action.) In order to make up for those deficiencies, the Office has relied upon the teachings of Benitez. The Office asserts the combination of Bayeh and Benitez render the claims of the present Application unpatentable. In the following, Applicant discusses the Benitez patent. The discussion will show that Benitez does not make up of the deficiencies the Office acquiesces are present in Bayeh. Therefore, the combination of Bayeh in view of Benitez is unable to substantiate a proper rejection under 35 U.S.C. 103(a).

Benitez is directed to a system that partitions an application program into page segments by observing the manner in which the application program is conventionally installed. A minimal portion of the application program is installed on a client system, yet the user launches the application in the same way that applications on other client file systems are started. An application program server streams the page segments to the client as the application program executes on the client and the client stores the page segments in a cache. Page segments are requested by the client from the application server whenever a page fault occurs from the cache for the application program. (Benitez; Abstract.)

More specifically, Benitez describes the use of a client streaming software 604 to implement the system. (See paragraph [0187].) The client software [604] includes a kernel-mode streaming file system driver and a user-mode client to implement the system. (See paragraph [0193].) Benitez further describes mapping certain filenames to indicate that those files, which may typically be installed on the client device, are actually available from the server. The user-client is

designed to act as an intermediary between the streaming file system driver and the server when a file is retrieved from the server. (See paragraph [0193], page 11, lines 1-4.)

Paragraph [0161] of the Benitez patent describes how files that would normally be local on a user's system are stored on a server for retrieval when their use is desired. To achieve this result, Benitez uses conventional file spoofing. As is described in the paragraph, a location of the file or files that would normally be on the user's system is added to a spoofing database. The location reference in the database includes a mapping to a location on the server where the file is actually located. When the file system on the user's system requires a spoofed file, the database is referenced as to where the file is located and then retrieved. In the Benitez system, the client software 604 performs this retrieval function.

The Office contends the system of Benitez makes up for the deficiencies of the Bayeh, and the combined teachings of the Bayeh and Benitez render the claims of the present Application unpatentable. Foremost, the descried system according to Benitez uses a simple database to store references to spoofed files. When a file is called by a user's system, and the file is not local, the client software 604 simply uses the file name and its normal location to retrieve a reference to where the file is located on the server. Whether or not the file name is hierarchical in nature makes absolutely no difference to the Bayeh system; the Bayeh system simply searches for the file name and the process ends at the point the filename is found, or not.

What is apparent from the discussions of the Bayeh and Benitez is that whether the teachings are taken alone or in combination together, the logical step of comparing a hierarchical identifier with at least a portion of a configuration file

when identifying an appropriate user-mode process does not occur in either of the patents relied upon by the Office. (See claim 13.) Thus, the combination does not render the claims unpatentable.

For the reasons given above, claims 1 and 13 are allowable over the Bayeh in view of Benitez. Applicant respectfully requests that the § 103 rejection be withdrawn.

Claims 2-11 and 13-24 are allowable by virtue of their dependency on one of the discussed independent claims.

Conclusion

Claims 1-11 and 13-24 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to urgently contact the undersigned attorney to resolve the issue**.

Respectfully Submitted,

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By: _____

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